



DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
4040 NORTH FAIRFAX DRIVE
ARLINGTON, VIRGINIA 22203-1635

MAR 22 2000

MEMORANDUM FOR DEPUTY DIRECTOR, DODEA FOR DODDS EUROPE
DEPUTY DIRECTOR, DODEA FOR DODDS PACIFIC
DISTRICT SUPERINTENDENTS, DODDS
PRINCIPALS, DODDS

SUBJECT: DoDEA 205 1.1 - Change 1

The following change to DoDEA 205 1.1, "Disciplinary Rules and Procedures, dated August 16, 1996, Enclosure 4, page 4-5, #5 is authorized:

From: "All students expelled from the DoDDS will be provided the opportunity to use correspondence courses or other appropriate educational programs for the duration of the expulsion. This includes access to a DoDDS school counselor."

To: "At parent request, "space-required" students expelled from the DoDDS will be provided, at DoDDS' expense, the opportunity to use correspondence courses or other appropriate educational programs determined by the school principal for the duration of the expulsion. Services provided may also include academic counseling at the closest DoD School."

This change is effective immediately and will appear in the next updated CD ROM distribution. If you have any questions, you may call Ms. Gail Terres, of my staff, on (703) 696-4545.

A handwritten signature in cursive script, reading "Ray Tolleson", is positioned above the printed name.

Ray Tolleson
Interim Director



DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
4040 NORTH FAIRFAX DRIVE
ARLINGTON, VIRGINIA 22203-1635
August 16, 1996



MEMORANDUM FOR ALL DODDS EMPLOYEES

SUBJECT: Discipline Regulation

Attached is a revised disciplinary regulation for the overseas schools. This regulation has been coordinated with the cabinet, district and area superintendents, school administrators, and the principal bargaining units. Numerous written comments were received and carefully considered. This regulation rescinds the former DoDDS Regulation 2050.1, "Students' Rights and Responsibilities in the Department of Defense Dependents Schools System," dated October 20, 1976. However, we are working on issuing a new Student Rights and Responsibilities supplement to this discipline regulation. A summary of the key changes in the regulation and the disposition of the principal comments is provided on the following pages.

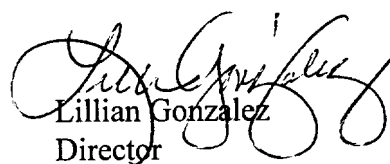
• This regulation brings a degree of change to our traditional practice:

1. It requires that the disciplinary committees be independent of the principal who must propose the student discipline in cases involving long-term suspension and expulsion.
 2. It leaves to the discretion of the area, district, or school precisely how these committees are to be constituted. The committees, however, must include community members.
 3. It is advised that these committees be appointed for a school year, in order to avoid the appearance that they are appointed in response to individual cases. If the committee agrees with the recommendation of the principal, then the committee's decision becomes the school's decision. Otherwise, the district superintendent must make the final judgment in a case.
- . The procedures for expulsion are more formal and require a verbatim transcript, in keeping with the standards employed by school boards in the United States. Generally, long-term suspension and expulsion decrees are decided by stateside school boards, if not initially, then as the final appeal authority. We have used the Director, DoDEA, as the final appeal authority in order to ensure the kind of disciplinary consistency that the school board would exercise in the typical public school district.
- . This new regulation requires that students who are suspended or expelled be permitted to make up their work and earn grades and credits. The former rule forbade such crediting. This requirement of this new regulation is consistent with the practices in stateside public schools which recognize educational benefits as an entitlement of state constitutional

magnitude. The new policy also reflects the policy that students who are suspended from school ought not be provided a “free” vacation. If the suspended student refuses to make up the work, he or she can be graded accordingly.

- . Schools are not required by this regulation to devise new disciplinary programs. If there is no community service program, this regulation does not mandate that there be one. On the other hand, as we move toward more complete cooperation with the community, and greater family involvement in the schools, it is clear that we will be required to devise programs that have proven effective in molding student behavior. New disciplinary forms are both necessary and inevitable.
- . This regulation embodies a principle that is predominant in stateside public schools. Long-term suspensions and expulsions are not to be issued as retribution for student misconduct. They are remedies of last resort. They are to be used in two instances: when the misbehavior so jeopardizes the efficacy of the classroom and when the misbehaving student presents a threat to himself or to other students. The remedies that remove children from school are to be employed only when all other reasonable methods of shaping a student’s behavior have failed. It is only in the face of the failure of a variety of alternative behavior modification techniques that suspension or expulsion may be required, if the student’s misbehavior jeopardizes the ability of other students to learn. Removal is also authorized when the student’s behavior presents an imminent threat to the safety of others in the school or to the misbehaving student. Removal is warranted as a cooling off period, to prevent more serious harm, and is employed until an alternative educational placement or control mechanism can be established.
- The procedures for dealing with children with disabilities have been clarified. These children are not exempt from suspension and can be suspended short-term without special consideration. Of course, principals must always be alert to whether a suspension would, in the individual circumstance of a disabled child, constitute a change in the child’s placement, or so disrupt the child’s ability to receive special services as to jeopardize the child’s ability to benefit from the educational placement. Long-term suspensions of children with disabilities always require special consideration by a case study committee and a determination whether the misconduct results from (is a manifestation of) the child’s disability. Even when a child is suspended or expelled long-term for conduct unrelated to the disability, the law requires that the child continue to receive service consistent with the child’s Individualized Education Program. Thus, there can be no complete cessation of education services even to the child who is properly expelled from the school.
- . Finally, this regulation identifies a list of behaviors that are prohibited throughout the system, most notably our zero tolerance prohibition on the possession of firearms and other dangerous weapons. This list takes the place of what many states have enacted as statutorily prohibited conduct. Schools may wish to spell out specific forms of misconduct that amplify the more general descriptions of misconduct described in the regulation. That supplementation may appropriately be incorporated into a school disciplinary plan.

Questions concerning the implementation of this new policy should be addressed to Dr. Jerald Bloom, Chief, Educational Support Policy and Legislation, (703) 696-4545, extension 117.



Lillian Gonzalez
Director

Attachment:
As stated



DEPARTMENT OF DEFENSE
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4040 NORTH FAIRFAX DRIVE
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DoDEA Regulation 2051.1
August 16, 1996

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
DISCIPLINARY RULES AND PROCEDURES

- References:
- (a) Department of Defense Directive 1342.6, "Department of Defense Dependents Schools (DoDDS)," October 13, 1992
 - (b) Dependents Schools Manual 2050.1, "Students' Rights and Responsibilities in the Department of Defense Dependents Schools System," October 1976 (hereby canceled)
 - (c) Department of Defense Instruction 1342.12, "Education of Handicapped Children in the DoD Dependents Schools," December 17, 1981
 - (d) "Individuals With Disabilities Education Act, (IDEA)," as amended 20 U.S.C. § 921 et seq.

A. REISSUANCE AND PURPOSE

This Regulation is issued under the authority of reference (a); rescinds reference (b), and establishes policy and updates procedures under references (b) through (d) specifying the grounds for disciplinary action and procedures for disciplinary action.

B. APPLICABILITY AND SCOPE

This Regulation applies to the Department of Defense Dependents Schools in overseas locations. It does not apply to schools operated by the Department of Defense in the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the possessions of the United States (excluding the Trust Territory of the Pacific Islands and Midway Islands).

C. DEFINITIONS

Terms used in this Regulation are listed in enclosure 1.

D. POLICY

It is the policy of the DoDDS that:

1. Management of student behavior is a responsibility shared by students, parents, the school, and the community, and consists principally of teaching and reinforcing positive student attitudes and behaviors.

2. Disciplinary consequences not fully described in this Regulation, such as, but not limited to, verbal reprimands, conferences, detention, “time-out” rooms, school service programs, community service and counseling programs, and other behavior modification techniques that are within the experience of the teacher, must be exhausted prior to resorting to disciplinary consequences that remove a child from the school, except when a child poses an immediate threat to his or her safety or the safety of others in the school.

3. Suspension, and particularly expulsion, are disciplinary consequences used to modify the undesirable conduct of a student who is unreasonably disruptive to the education program and for whom other behavior management techniques and disciplinary consequences have proven futile, or when a child poses an immediate danger to himself or others, such as for offenses involving firearms or other weapons, the possession or sale of drugs, or violence.

4. In-school suspension, if possible, is preferred to out of school suspension except when the child poses a risk of injury to himself or others.

5. All students who are suspended from class or school must complete all assignments of work and exams during that period to earn credit. If the suspension period coincides with an exam period, the principal has the option to suspend and offer make-up examinations or to defer the suspension until after the exam period (including deferment to the start of the next semester).

6. Any student suspended from class or school maybe encouraged to perform community service in addition to suspension.

7. Corporal punishment is strictly forbidden.

8. The grounds for imposing disciplinary consequences are prescribed in enclosure 2.

E. RESPONSIBILITIES

1. The Director shall:

a. Ensure that student discipline is administered fairly&din compliance with the policies and procedures in this Regulation.

b. Render final decisions on appeals from disciplinary orders issued by the District Superintendents.

2. The General Counsel, DoDDS, shall:

a. Review all appeals to the Director for legal sufficiency.

b. Provide advice and assistance to DoDDS officials in any stage of a disciplinary proceeding.

c. Advise the Director on matters affecting the fairness, impartiality, and consistency of proceedings and adherence to the policies in this Regulation.

3. Area Superintendents shall:

a. Hold District Superintendents accountable for adherence to the policies and procedures in this Regulation.

b. Ensure that the time lines specified in this Regulation are followed and that the administrative proceedings in disciplinary matters are carried out with efficiency and impartiality.

c. Work with Chiefs, Area Service Centers, to ensure that theater commanders, and the DoDDS community stakeholders are informed of and understand the educational benefits of the policies and procedures in this Regulation, and to enlist broad community support for, and cooperation with, school authorities in sharing responsibility for exercising school bus and other school related disciplinary authority consistent with this Regulation.

4. District Superintendents shall:

a. Exercise initial decision authority in any case in which the disciplinary committee recommends a decision unsatisfactory to the referring principal.

b. Exercise appellate authority of decisions in which the disciplinary and the referring principal are in agreement.

c. Exercise general supervisory control over the administration of school discipline within the district, and ensure that consequences are administered fairly and with reasonable consistency for similar offenses.

d. Coordinate with local military commanders who retain authority to exercise school bus discipline and ensure that procedures described in this Regulation, particularly those that relate to the discipline of students with disabilities, are consistently applied.

e. Work with regional commanders and DoDDS community stakeholders to inform them of the educational benefits of the policies and procedures in this Regulation, and to enlist broad community support for, and cooperation with, school authorities in sharing responsibility for exercising school bus and other school related disciplinary authority consistently with this Regulation.

5. Principals shall:

a. Dispense discipline up to suspensions less than 10 days (continuous or cumulative) during a single school year.

b. Appoint and convene a school disciplinary committee to consider the principal's recommendation that a student be expelled or suspended for more than 10 days (cumulative) in the same school year.

c. Supervise the exercise of disciplinary control by teachers in the school.

d. Engage the faculty, parents, and students to develop a comprehensive school policy consistent with the guidelines in this Regulation that includes preplanned, reflective response strategies that are specifically defined and ensure that the disciplinary consequence (response) is proportional to the seriousness of the misbehavior.

e. Work with local commanders and DoDDS community stakeholders to inform them of the educational benefits of the policies and procedures in this Regulation, and to enlist broad community support for, and cooperation with, school authorities in sharing responsibility for exercising school bus and other school related disciplinary authority consistently with this Regulation.

6. Teachers shall:

a. Utilize the range of behavior management techniques, to include the independent exercise of minor disciplinary consequences for minor student misconduct. Teachers, with the consent of the principal, may employ in-school suspensions when appropriate to the needs of the student and his or her disruptive conduct.

b. Administer consequences fairly. A disciplinary response must be in measure to the seriousness of the misbehavior and its disruption. The teacher must ensure that the child knows the nature of his/her misconduct and understands why the consequence is being imposed. When there is doubt about the culpability of persons involved in misconduct or there is some possibility of mitigating circumstances, the teacher must provide an opportunity for the student facing a consequence to express his or her reasons for the alleged misconduct.

F. PROCEDURES

1. The DoDDS suspension procedures are prescribed in enclosure 3.

2. The DoDDS expulsion procedures are prescribed in enclosure 4.

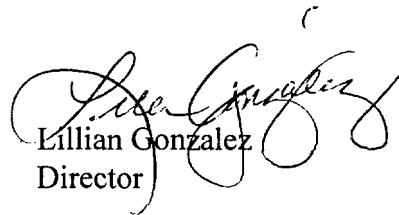
3. The DoDDS discipline procedures for students with disabilities are prescribed in enclosure 5.

4. A worksheet to determine if misconduct is a result of a student's disability is included as enclosure 6.

5. Additional procedures for school bus discipline are prescribed at enclosure 7.

G. EFFECTIVE DATE AND IMPLEMENTATION

This Regulation is effective immediately; it is mandatory for use by all districts and schools in the DoDDs. Schools, districts, or areas are to implement this guidance through student disciplinary manuals or handbooks. A copy of all such implementing guidance shall be sent to the General Counsel, DoDDs, within 90 days of implementation.



Lillian Gonzalez
Director

Enclosures - 7

1. Definitions
2. Grounds for Suspension or Expulsion
3. Procedures for Imposing Minor Consequences, including suspension up to 10 Days
4. Procedures for Expulsion or Suspension Over 10 Days
5. Procedures for Exercising Discipline Involving Children Eligible for Special Education
6. Worksheet to Determine if a Student's Misconduct is a Result of his/her Disability
7. Student School Bus Behavior Management Policy

DEFINITIONS

1. Case Study Committee (CSC). A school level team comprised of, among others, principal or designee, educators, parents, and Medically Related Services (MRS) providers who do the following:
 - a. Oversee screening and referral of children who may require special education.
 - b. Oversee the multidisciplinary evaluation of such children.
 - c. Determine the eligibility of the student for special education and related services.
 - d. Formulate an individualized education curriculum reflected in an Individualized Education Program (IEP) in accordance with DoD Instruction 1342.12 (reference (c)).
 - e. Monitor the development, review, and revision of the IEPs. The composition of a CSC will vary depending upon the purpose of the meeting.
 - f. Determine whether a child's misconduct is related to his/her disability.
2. Child with Disabilities. Refers to any child eligible for or receiving special education in accordance with DoD Instruction 1342.12 (reference (c)), or for whom a parent has provided permission to assess a child for eligibility.
3. Corporal Punishment. The intentional use of physical force upon a student as punishment for any alleged offense or behavior, or the use of physical force in an attempt to modify the behavior, thoughts, or attitudes of a student.
4. Director. The Director, DoDEA, or another designated organizational supervisor.
5. Disciplinary Committee. A committee comprised of school officials, parents, and community members which meets to decide disciplinary matters in which expulsion has been recommended. Principals shall appoint members to the committee. School officials, however, should ensure that the composition of the committee is mixed and that there is not a disproportionate number of members that are school officials.
6. Drug Paraphernalia. Any object used, intended for use, or designed for use with controlled substances.
7. Expulsion. The removal of a pupil from school for the remainder of a semester or school year.

8. Formal Hearing. The process by which the school disciplinary committee reviews the evidence and affords the school and the student accused of misconduct (and his/her parent or guardian) a chance to contest allegations. Formal hearings afford certain rights to the student accused of misconduct when the proposed disposition involves expulsion or suspension for more than 10 days. These include an impartial fact-finder or hearing officer, a statement of charges in writing prior to the hearing, the opportunity to present a defense including the presentation of evidence and witnesses in their behalf, an opportunity to request that certain questions be asked of witnesses against him or her, a written findings of fact and disposition, and a right to appeal to a higher authority.

9. Individualized Education Program (IEP). A written document defining specially designed instruction for a student with a disability, ages 3 to 21, inclusive. The document is developed and implemented in accordance with DoD Instruction 1342.12 (reference (c)).

10. Informal Hearing. A meeting held by the principal (or assistant principal) or teacher in a disciplinary matter that may result in a consequence up to suspension from school for a period up to 10 days. It is a process in which the principal/teacher informs the student of the observed misbehavior, allows the student an opportunity to present his or her side of the case in order for the principal/teacher to make a final determination whether a particular child is culpable of an offense or rule infraction, and to assess whether, and to what extent, to impose any disciplinary consequence, and in which to announce the disciplinary decision. When imposing school suspension for a period up to 10 days, the principal/assistant principal must inform the student of the terms and conditions of the suspension. Informal hearings ordinarily occur prior to or simultaneously with suspension. A student may be suspended in advance of an informal hearing, by informing the student of the misconduct and of the suspension when the student's continued presence poses a danger to other students or a serious disruption to the educational environment.

11. Mind Altering Substance. Includes alcoholic beverages, intoxicants, mind altering inhalants, and controlled substances (as defined by United States Code or host nation law). A substance legal in the host nation but controlled in the United States is prohibited.

12. Principal. One who holds a post of presiding rank in an elementary, middle, or high school.

13. Special Education. As set forth in DoDI 1342.12 (reference (c)):

“Instruction and related services for which a child, ages 3 to 21, inclusive, becomes entitled when a CSC determines a child's educational performance is adversely affected by one or more disabling conditions.

a. Special education is specially designed instruction, including physical education, which is provided at no cost to the parent or guardians to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.

b. The term includes speech pathology or any other related service if the service consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.

c. The term also includes vocational education if it consists of specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability.”

14. Suspension. The prohibiting by a school principal (or assistant principal) of a student from attending classes or school for any period short of expulsion. Out of school suspensions are not to exceed 10 (continuous) days for one incident or 10 (cumulative) days during one school year without a formal hearing. Suspensions may be in or out of school.

15. Weapons. Weapons are items carried, presented, or used in the presence of other persons in a manner likely to make reasonable persons fear for their safety. They include, but are not limited to, guns, look-alike (replica) guns, knives, razors, box or carpet cutters, slingshots, nunchucks, any flailing instrument such as a fighting chain or heavy studded or chain belt, objects designed to project a missile, explosives, mace, pepper spray, or any other similar propellant, or any other object concealed, displayed, brandished in a manner that reasonably provokes fear.

GROUND FOR DISCIPLINE INCLUDING SUSPENSION OR EXPULSION

A. General. This enclosure describes offenses which might be subject to a consequence (exercise of disciplinary control) and provides a degree of guidance as to the seriousness of offenses. However, this Regulation does not list every offense nor does it dictate the seriousness of any particular offense. Instead, it describes categories of conduct with sufficient specificity to inform the student of the type of conduct which may result in disciplinary consequence and is intended to alert principals to their flexibility in assessing the seriousness of offenses for purposes of determining the appropriate consequence. These student conduct expectations apply to student conduct that is related to school activity:

1. While on school property,
2. While en route between school and home, to include school buses,
3. During the lunch period whether on or off campus,
4. During or while going to or coming from all school-sponsored events/activities that affect the missions or operations of the school or district including field trips, sporting events, stadium assemblies, and evening school-related activities.

B. School Bus Discipline. Additional rules of student behavior and disciplinary procedures applicable to students en route by bus between home and school and/or school-sponsored events and activities are contained in the Student School Bus Behavior Management Policy (enclosure 7). The existence of a separate list of school bus disciplinary rules does not mean that infractions of school bus discipline are excluded from the list of infractions contained in this section, or that consequences must be assigned separately from other school disciplinary concerns. However, the school has the discretion to assign consequences for school bus infractions solely within the context of school bus transportation (or as part of school discipline generally), except when school bus discipline would interfere with the free appropriate public education of a child with disabilities. In such cases, the procedures described in enclosure 5 concerning the disciplinary procedures for students with disabilities must be followed.

C. Additional Guidance at the School/District Level. In addition to this guidance, individual schools, school districts or areas may promulgate student manuals” that implement the procedures and consequences of this Regulation.

D. Discipline for Minor or First Offenses. A student maybe disciplined for relatively minor or first offenses, through the use of written or oral reprimands or notice to parents, by grade reductions, suspension of school or extracurricular privileges, in-school suspensions, time outs, teacher/student/parent conferences, and by any other teacher intervention deemed by the teacher to be appropriate. These minor offenses include any conduct that is not conducive to the good order and discipline of the school. Examples of conduct for which minor discipline may be

appropriate include, but are not limited to: tardiness, unexcused absence, chewing gum or eating food in class, being unprepared for class, running or horseplay in the halls or classrooms, cheating or lying, possessing items in violation of school rules, use of offensive language, minor damage to rooms or materials or to the property of any other person on or about school grounds, failing to follow instructions, disrupting the class by talking, laughing, or wandering about when the teacher determines that such conduct is inappropriate to the classroom activity, and engaging in inappropriate behavior on the school bus. Nothing in this paragraph precludes the imposition of more serious discipline, such as suspension or expulsion, when a child engages in repeated or multiple acts of misconduct which individually might not warrant suspension or expulsion, or when the teacher or principal determines that the nature of the offense, in the context of all circumstances, warrants a more severe consequence than contemplated by this paragraph. Also, the disciplinary authority must decide whether conduct described in this paragraph, which may also be described below, should be punished under one of the succeeding paragraphs.

E. Grounds for Suspension or Expulsion. A student maybe suspended or expelled from school, if the principal or, in the case of suspension over 10 days or expulsion, the disciplinary committee, determines that the student has:

1. Caused, attempted to cause, or threatened to cause physical injury to another person, or has threatened to use or has used physical force against any person.
2. Possessed, sold, or otherwise furnished any firearm, knife, explosive, or other dangerous object.
3. Possessed, used, offered or arranged to sell, sold, or otherwise furnished, or been under the influence of, any mind altering substance. A mandatory expulsion recommendation is required for a second offense. Expulsion remains an option for a first offense, if the principal so recommends and the disciplinary committee concludes such measures are necessary.
4. Committed or attempted to commit robbery or extortion.
5. Caused or attempted to cause damage to school, government, vendor, or private property.
6. Stolen or attempted to steal and/or knowingly received stolen school, government, vendor, or private property.
7. Possessed or used tobacco, or any product containing tobacco or nicotine products, including, but not limited to, cigarettes, cigars, miniature cigars, clove, smokeless tobacco, including snuff, chew packets, and betel.
8. Committed any lewd, indecent or obscene actor engaged in habitual profanity or vulgarity.
9. Had unlawful possession of, or unlawfully offered, arranged, or negotiated to sell any

drug paraphernalia.

10. Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.

11. Gambling in any form.

12. Conduct, including fighting, that endangers the well-being of others.

13. Unauthorized presence in the school, on the school grounds, or on school buses or failure to leave promptly after being told to do so by the principal or staff member in charge.

14. Possession or control of a beeper or similar portable communications device unless authorized by the principal. Beepers or similar communications devices are subject to confiscation by school authorities.

15. Cursing, gesturing, or verbally abusing any person, including but not limited to abuse or harassment based on that person's race, religion, gender, creed, national origin, personal or physical attributes, disability, or intellectual ability, and matters pertaining to sexuality.

16. Vandalism, arson, or any threat to bomb, burn, or destroy in any manner a school building or school property.

17. Forgery, cheating, or plagiarism.

18. Use or possession of fireworks.

19. Violation of attendance Regulations.

20. Unauthorized or illegal use of, or access to, computers, software telecommunications, and related technologies; any willful act that causes physical or financial damage, or otherwise disrupts information technology; any use of a computer to communicate threatening, harassing, or indecent messages; or to download obscene material.

21. Violation of any law, regulation of the military installation or school, or policy of the DoDDS system.

22. Complicity in the violation of any rule described above.

F. Particular Grounds for Expulsion. The principal or designee shall recommend a pupil's expulsion from the DoDDS for any of the following acts:

1. Causing serious physical injury to another person, except in self-defense.

2. Possession of any firearm, knife, explosive, other dangerous object of no reasonable use to the pupil at school or at a school activity on school grounds. A minimum 1-year expulsion is required for the possession of firearms.

3. Unlawful sale of any mind-altering substance, as a second offense.

4. Making, or participating in the making, of a bomb threat.

G. Other Misconduct Constituting Grounds for Discipline. Including Suspension or Expulsion.

In addition to the specific grounds for imposing discipline that are described above, students who have knowledge of, or who participate in, the misconduct of others may also be disciplined as deemed appropriate. Students must promptly report to their teacher or principal knowledge of offenses that violate law or regulation, or that threaten the safety or personal security of any student or other person on school grounds or engaged in school activities. Failure to do so will be grounds for discipline.

H. Notice to Law Enforcement Authorities. Incidental to suspending any student, the principal of the school, or his/her designee, shall notify the installation commander, or his/her designee for law enforcement or legal affairs, of any acts which may violate local laws.

PROCEDURES FOR IMPOSING MINOR CONSEQUENCES, INCLUDING
SUSPENSION UP TO **10** DAYS

A. General Applicability. The provisions of this enclosure apply to all students, including students with disabilities when consistent with the provisions of enclosure 5 of this Regulation.

B. Teacher Responsibilities. Teachers have the responsibility to exercise disciplinary control over their classrooms. They are authorized to enforce discipline by teaching children that there are consequences that flow from inappropriate student behavior. Consequences available to a teacher include, but are not limited to, reprimand, time-outs, study carrels, notices to and conferences with parents, extra work, detention and any other practice that is reasonable and does not otherwise violate this Regulation. Suspensions of students from school for periods of up to 10 days maybe recommended by the teacher, but the principal or designee must make out of school suspension decisions.

C. Principal's Authority to Suspend. The principal may suspend a student, including a child with disabilities when consistent with the provisions of enclosure 5 of this Regulation, from the school for any of the reasons set forth in enclosure 2, for no more than 10 consecutive school days for a single incident of misconduct and no more than 10 cumulative school days per school year.

D. Informal Conference. Incident to the exercise of any discipline under this enclosure, the principal or teacher must conduct an informal conference with the student. The purpose of the conference is to ensure that the proper student is being disciplined, the alleged infractions actually occurred, and the student knows why he or she is being disciplined. This informal conference generally will occur immediately upon notifying the child that he or she is being considered for discipline. All necessary fact gathering will be accomplished immediately, perhaps during the informal conference. The principal must believe from the evidence available, that the best interests of the child and the school require the imposition of a consequence before imposing one.

1. Notice To the Student and Student Rights: The principal or teacher will

- a. Advise the student why disciplinary action is being taken against the student;
- b. Summarize the information on which the teacher or principal is relying to conclude that the accused student committed an act described in enclosure 2;
- c. Afford the student an opportunity to explain the offensive behavior and, especially when the consequence is to be suspension, present evidence which supports the student's explanation or establishes that the student has not committed an act as set forth in enclosure 2. The student may also refer the principal to other persons with knowledge of the events;

2. Fact-finding and Decision: The principal or teacher will

a. Make any reasonable inquiry necessary to resolve the question of culpability or mitigation and to make a determination whether a consequence is necessary or appropriate;

b. Announce to the student his/her finding whether the child committed an act set forth in enclosure 2;

c. Inform the student as to the disciplinary sanctions (consequences) that are being imposed if any;

d. Advise the student of the appeal procedures, as described below.

3. Notice Required Incidental to Suspension: If the consequence is to be suspension, the principal or designee will

a. Contact the pupil's parent or guardian in person or by telephone to advise the parent of the suspension;

b. Notify the parent in writing of the suspension by sending home with the student a copy of the notice and by mailing to the parent or guardian within 1 school-day another copy. The notice will include:

(1) A statement of facts leading to the decision to suspend,

(2) A statement that the student is to remain away from school and/or school sponsored activities (including, when appropriate, DoDDS resident halls) during the period of suspension unless given written authorization by the principal to be present;

(3) The date and time the student can return to school,

(4) A request that the parent or guardian attend a conference with school officials regarding the pupil's behavior,

(5) Notice of the appeal procedures by which the student may appeal the suspension.

4. Reports of Suspensions: The Principal will report suspensions of each student, to include a statement of the reasons for the suspension, whether in or out of school, and the duration of the suspension, to:

a. The district superintendent or his/her designee

b. The installation/community commander or the base discipline committee (or civilian conduct authority) (out of school suspension only and the duration).

5. Dormitory Suspension. The principal may suspend, for up to 10 days (cumulatively or consecutively), using the same procedures outlined above, any dormitory student who is not eligible for special education who persistently violates residence hall rules or commits a serious breach of conduct.

a. Suspension from the residence hall does not automatically include suspension from school.

b. During the period of a student's suspension from the residence hall, but not from school, the legal sponsor is responsible for obtaining a local sponsor who will provide food, lodging, supervision, and financial support for the student or for paying for the round trip airfare to return the child to the sponsor for the duration of the suspension. The legal and local sponsors shall confirm these arrangements with the principal.

c. A suspension from the residence hall of a child with disabilities must be processed under the provisions of enclosure 5, until a determination has been made by the case study committee (C SC) that the suspension from the dormitory will not interfere with the child's receipt of a free appropriate public education.

6. Extracurricular Suspensions. A child may be suspended for an indefinite period from participating in extracurricular activities.

7. Role of Parents. The district superintendent or his/her designee may conduct a meeting with a parent or guardian of a suspended student to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension. While the parent/guardian is required to respond without delay to a request for a conference regarding his/her child's behavior, no penalties shall be imposed on the student for the failure of the parent/guardian to attend such conference.

8. Appeals. A child disciplined under this enclosure may appeal the disciplinary action by writing to

a. The next higher level administrator (the District Superintendent) if suspension is imposed or

b. The principal if the disciplinary action, short of suspension, is initiated by the teacher

c. Within 5 days of the imposition of discipline

d. The appeal must describe why the discipline is inappropriate.

e. The next higher level administrator (appellate authority) will review the appellate materials and render a decision within 10 days of receiving the appeal.

(1) The appeal is a paper review, affording no party the right to present evidence or make oral arguments.

(2) The District Superintendent will issue a final decision in writing upon reviewing any case involving suspension.

f. The school need not defer the imposition of any consequence pending the appeal, particularly when the discipline is being taken to protect students or to prevent disruption of the classroom.

g. If the basis for the discipline, or the consequence are reversed on appeal, all record of the student's having being disciplined will be removed from the student's disciplinary file, and notice will be sent to installation commanders and district superintendents to disregard the prior notice of suspension and to remove and destroy such prior notices.

PROCEDURES FOR EXPULSION OR SUSPENSION OVER 10 DAYS

If an expulsion or a suspension over 10 days (cumulative or continuous) is proposed by the Principal or his/her designee, the following procedures shall apply to children who are not eligible for or receiving special education services (who must be processed in accordance with enclosure 5). The procedures for an expulsion or suspension in excess of 10 days require a formal hearing.

A. Notice of Proposed Removal

1. The principal will notify the student and his/her parent or guardian (the recipients) in writing of the proposed discipline (suspension in excess of 10 days to expulsion). The notice, accompanied by a copy of this Regulation, will inform the recipients of:

a. the reasons for the proposed discipline in sufficient detail to inform the recipients of the nature of the alleged offense and to allow the recipient to answer to the charges;

b. the right to a prompt hearing and the date of that hearing or the manner in which the date for the hearing will be established by the principal in consultation with the parent or guardian;

c. the right of the parent/guardian to waive a hearing;

d. the recipient's right to present witnesses and documentary evidence at the hearing to refute the allegations of misconduct and to mitigate the severity of the proposed disciplinary action;

e. the recipient's right to be represented by counsel or another representative in a hearing before the disciplinary committee and, if required, a hearing before the deciding official. Counsel may suggest to the presiding official any questions and lines of inquiry deemed appropriate to the student's defense;

f. the administration's right to present evidence, call witnesses, and be represented by counsel or other representative.

g. the procedures that the student may exercise to appeal any determination the student believes is adverse to his or her interests.

B. Hearing Procedures

1. The principal will convene the disciplinary committee to conduct a hearing promptly after the principal decides to recommend a consequence involving suspension from the school for a period in excess of 10 days (cumulative or continuous).

2. The disciplinary committee will select a presiding official and conduct a dispassionate and fair hearing. No member of the disciplinary committee may be a potential witness in the disciplinary proceeding.

3. The principal will recommend a specific punishment (i.e., suspension for 15 days, expulsion for a semester), as stated in the notice of proposed discipline.

4. A student or his/her parent or guardian may be accompanied by an attorney or other adult who may represent and assist his/her in the proceeding. If a parent or guardian is unable to attend, he/she may designate an adult to represent the student. The district superintendent may require the parent/guardian or student to notify the school in writing of the appointment of any such representative.

5. The school will find and appoint a court reporter to record (and transcribe, when necessary) the hearing. If no court reporter is reasonably available, the committee may use a tape recorder, provided that two tapes of the hearing are made, with one being presented to the student facing discipline, or to his parent/guardian/representative immediately after the conclusion of the hearing.

6. The disciplinary committee will hear the evidence and shall forward their findings and recommendations to the school principal.

7. The committee will ensure that it takes no disciplinary action involving a child with disabilities unless and until a case study committee has determined pursuant to the procedures in enclosure 5 that further action by the disciplinary committee is appropriate.

C. Deciding Official

1. If the principal agrees with the committee's recommendation, the proposed action becomes a final decision, and the principal becomes the deciding official.

2. If the recommendation of the disciplinary committee differs from the recommendation of the principal and the principal does not agree to accept the committee's recommendation, the principal will forward the case file within 2 days of receiving the disciplinary committee recommendation to the district superintendent, or designee, who will become the deciding official. The district superintendent or designee shall review the record and may reopen the hearing before making a final decision.

a. The case file to be forwarded must consist of the transcript of the committee hearing or the tape recording of that hearing, all exhibits and documentary evidence, and any arguments or other written submissions prepared by the student and his or her parent/guardian/representative and by the school principal.

b. The principal must, submit a statement explaining why he or she disagrees with the recommendations of the disciplinary committee.

c. The superintendent may reopen the hearing to allow either for the presentation of new evidence or oral argument on the record, or both.

d. If oral presentations will occur, the superintendent will provide a court reporter. If no court reporter is reasonably available, the superintendent may use a tape recorder, provided that two copies of the hearing are made, with one being presented to the student facing disciplinary action immediately after the conclusion of the hearing. When the hearing is reopened for oral presentations, school official(s) involved in discipline at the school level, the student, and his/her parent or guardian and legal representative must attend or execute a written statement declining to attend the reopened session. Both the school officials and the student or the parent/guardian/representative will be allowed to make oral presentations.

e. The superintendent may decline to reopen the hearing and limit his/her review to the record developed by the disciplinary committee and the principal, together with any written arguments prepared by school officials and the student or the student's parent/guardian or other representative.

f. The superintendent's decision will be the final decision. A final decision must be supported by the preponderance of evidence presented at the disciplinary committee hearing and at any hearing held by the Superintendent.

3. The superintendent's hearing must be held within 5 days of the receipt of the hearing record, unless either side requests more time in writing. However, except where the child's presence in school presents a threat to the safety of the child or to other children or is so disruptive of the classroom, a child may not be suspended from school for a period in excess of 10 days consecutively, or concurrently during the school year, pending a final decision in a disciplinary case.

4. The superintendent will mail a written decision within 7 days of the hearing to the student/parent/guardian/representative, describing the final decision and the right to appeal.

D. Appellate Authority

1. Any student or his/her parent/guardian/representative may appeal the final decision by notifying the appropriate appellate authority.

a. If the decision becomes final at the school level, the district superintendent is the appellate authority.

b. If the decision becomes final at the district superintendent level, the Director, DoDEA, (Attention: General Counsel) is the appellate authority.

2. The student/parent/guardian/representative must mail a notice of appeal within 5 school days of receipt of the final decision to the principal who will immediately forward the appeal to the proper appellate authority and notify both the disciplinary committee and the authority making the final decision that an appeal has been filed. The student's notice of appeal must include a copy of the final decision and any arguments in support of the appeal. The principal or district superintendent will mail, within 5 days of receiving the notice of appeal, to the appellate authority and the student/parent/guardian/representative any argument he or she wishes, and will forward to the appellate authority a copy of the transcribed hearing record and/or the tape recording and any documents or other evidence introduced at the initial hearing.

3. Appeals will be limited to a paper review of the record; no new evidence may be introduced, unless there is newly discovered evidence. The appellate authority will issue a ruling within 5 days of the receipt of the record.

4. If new evidence is discovered, that new evidence must be provided to the principal immediately upon discovery and prior to any appellate determination. The principal will immediately notify the appellate authority of the existence of the new evidence and the appellate authority immediately will cease processing the appeal pending a review of the new evidence by the deciding official and the disciplinary committee. The disciplinary committee may reopen the hearing proceeding for admission of the new evidence and any additional information gathering or argument. At that time, the new evidence will become part of the hearing record. The disciplinary committee will make a revised recommendation to the deciding official. If an appeal is still warranted, the additional evidence and the additional hearing record will be immediately forwarded to the appellate authority. The time requirements for appellate procedures will begin anew at the date the reopened record and accompanying exhibits arrive at the desk of the appellate authority.

5. The appellate authority will mail a copy of the appellate decision to the student/parent/guardian within 10 days of deciding the appeal.

E. Other Considerations

1. Records of all suspensions over 10 days and expulsions, with supporting data, shall be filed in the principal's office of the school in which the act of misbehavior occurred and in the district superintendent's office. Such records will be accorded Privacy Act protection.

2. The parent or guardian may bring a translator to interpret during any hearing and to translate any notice or decision under this enclosure into the language spoken by the parents. If the parent is unable to obtain a translator, the parent may request that the principal or district superintendent assist them to obtain a translator or interpreter.

3. No student who has been expelled or suspended pursuant to this enclosure may enroll in any other school within the DoDDS without express authorization of the district superintendent for the school that administered the discipline and the district superintendent of the new school.

4. The term of an expulsion may not extend beyond the end of the current school year. If the misconduct leading to expulsion occurs during the last 6 weeks of the school year, the expulsion may be extended to the end of the next semester for the following year.

5. All students expelled from the DoDDS will be provided the opportunity to use correspondence courses or other appropriate educational programs for the duration of the expulsion. This includes access to a DoDDS school counselor.

6. Failure to adhere to time lines addressed in this enclosure, or in enclosure 3, will not be prejudicial to the interests of either party so long as the party requiring additional time exhibits good faith and submits written requests for extensions of time until a specific date by the most expeditious process (e-mail, fax, or regular mail) when preceded by a telephone call alerting the other party to the request) to the school principal or the deciding or appellate official. The requests for any delay in an appeal will be presented no later than 5 days from the date of receipt of any final decision. The person with the action (i.e., the principal, the chair of the disciplinary committee, the deciding official or the appellate authority) may grant reasonable delays provided the delay will not prejudice the interests of the child or unreasonably inconvenience any person who must travel to the site of a hearing.

PROCEDURES FOR THE DISCIPLINE OF CHILDREN WITH DISABILITIES

A. General: Children with disabilities maybe subjected to most in-school (e.g., minor) disciplinary consequences, and to the more serious consequences of suspension and expulsion (in accordance with the procedures in enclosure 3) for misbehavior (as described in enclosure 2). This enclosure describes changes in the disciplinary procedures that must be employed when the proposed discipline would change the placement of a child with disabilities.

1. Except for short suspensions and minor discipline, the school must give the notices required under DoD Instruction 1342.12 (reference (c)) for convening, and convene, a Case Study Committee (CSC) meeting prior to commencing any disciplinary processes that would change the child's placement (such as by removing the child from school, or the school bus for a period in excess of 10 days, consecutively or cumulatively).

2. The CSC meeting is to protect the child with disabilities against removal from school for behavior that is in whole or in part the direct result (e.g., manifestation) of the child's disability, or that otherwise requires a change to the child's placement, or that is more onerous than would be dispensed to a nondisabled child for a similar offense.

3. A child with disabilities maybe expelled for misconduct not a manifestation of the disability, but DoDDS must continue to provide services to that child that are consistent with the child's IEP.

4. The disciplinary consequence for a child with disabilities must not be more severe than would be adjudged for a nondisabled child who committed the same or similar offense.

B. Minor Discipline. Including Suspension of 10 Days or Less. Students with disabilities may be subject to minor discipline including suspension for up to 10 days (consecutively or cumulatively) without a prior manifestation determination by the CSC.

1. All regular disciplinary rules and procedures in enclosure 3 apply.

2. Discipline must be administered consistent with the child's behavior management plan, if any.

c. Suspension Over 10 Days and Expulsion. Prior to suspending a child with a disability for over 10 days (consecutively or cumulatively) or expelling such child, the principal must follow the notice and procedural rules in DoD Instruction 1342.12 (reference (c)) and promptly convene the appropriate CSC (or in the case of a child with a disability in a non-DoDDS school, the authorized DoDDS officials) to determine whether:

1. The child's misbehavior is in whole or in part the direct result of the child's disability (see enclosure 6 for a worksheet to assist in making the manifestation determination). The manifestation inquiry will also determine, among other matters:

a. If the proposed consequence is consistent with the child's behavior management plan (if any) and proportionate to the consequences that would be imposed if the child were non-disabled; and

b. That the child understands the nature of his or her behavior as misconduct and its relationship to the proposed discipline.

2. Any change in the educational placement is needed, to include whether:

a. The current IEP is adequate, and

b. The services delivered pursuant to the IEP were adequate and appropriate.

3. Misconduct Does Not Result from the Child's Disability: If the CSC determines that the child's conduct does not result from the disability and the principal or designee recommends suspension out of school or from the school bus in excess of 10 days (consecutively or cumulatively during the year) or expulsion, the CSC will promptly

a. Forward the case to the school disciplinary committee, along with a recommended course of action, for appropriate action in accordance with the procedures set forth in enclosure 4; and

b. Reconvene following an expulsion or long-term suspension (over 10 days), to devise an alternate educational setting and delivery system to provide services to the child consistent with the child's IEP.

4. Misconduct Results from a Child's Disability: If the CSC determines that the child's conduct results in whole or part from the disability, the child may not be subject to the regular disciplinary rules and procedures of enclosure 4. (This does not preclude the use of minor discipline as a consequence for misconduct.) The principal must immediately issue the notice required by reference (c), for the convening of a CSC to revise or write an IEP, and promptly convene that CSC to determine the child's appropriate placement.

D. Due Process and the "Stay Put" Provision: If a parent requests mediation or demands due process at any time during the disciplinary process, whether concerning any action taken by the CSC, or the decision of the disciplinary committee to expel or suspend the child for more than 10 days, the principal must retain the child in, or return the child (if the child has been suspended) to, the placement described in the existing IEP (i.e., the child will "stay put" pursuant to the Individuals with Disabilities Education Act (IDEA) (reference (d))).

1. The only exception to the “stay put” provision is for students in possession of a firearm. Such students can be placed in an interim alternative education setting for up to 45 days.

2. If a parent requests a due process hearing regarding the interim alternative educational setting, the child stays in the alternative placement during the proceedings.

E. Suspension from the School Bus: A CSC must convene when a child with disabilities is proposed for suspension from school bus privileges for over 10 days (consecutively or cumulatively). A CSC need not be convened prior to suspension from the bus if

1. The bus suspension of the duration proposed is a permissible strategy appropriate to the circumstances described in the behavior management plan; and,

2. Alternative transportation to and from school is available for the child during the period of suspension.

F. Parental Consent: The parents may:

1. Consent to short-term extensions of their child’s suspension when the parents and principal agree that a short-term extension will preserve the welfare of the child or of other children or personnel in the school; and

2. Confirm with the school a date, as soon as possible following a consensual extension of any suspension, on which a CSC will convene to determine the child’s IEP or placement.

G. Continuation of Services: Any change for more than 10 days in the educational program of a child on an IEP is considered a change of placement.

1. The school must continue to provide educational services to all students with disabilities whose misconduct is not a manifestation of the disability but results in a change in placement.

2. The CSC, or authorized DoDDS officials when DoDDS has placed a child with an IEP in a non-DoDDS school, must promptly hold a meeting to determine the appropriate educational placement for, or the method of delivering services in the alternate educational setting to, the child.

3. A child who is suspended for a period in excess of 10 days or who is expelled must receive services similar in nature to those listed on the IEP at the time the disciplinary incident occurred.

a. DoDDS will continue to provide necessary services under the IEP in the alternate educational setting.

b. If the child has access to an alternate educational program that is taught in the English language and follows an American or British curriculum, the child may enroll in that program at personal expense for the duration of the period of suspension or expulsion.

H. Appellate Procedure. The appellate processes are the same as for other children who are appealing a disciplinary order under enclosures 3 or 4, unless the child requests due process under the provisions of DoD Instruction 1342.12 (reference (c)) prior to the exhaustion of any appellate relief under enclosures 3 or 4.

**Worksheet to Determine if a Student's
Misconduct is a Result of his/her Disability**

Student's Name: _____ Date: _____

Eligible for IDEA services? YES NO__ If YES, list qualifying disability: _____

Evaluation/placement team members (by name and role):

Sources of information:

Assessment/evaluations (attach assessments and summaries)

Diagnostic information(attach results)

Interviews conducted (attach summaries)

Direct observations (attach summaries)

Description of act of misconduct (include all relevant details):

Description of proposed disciplinary action:

Does the proposed disciplinary action constitute a change in placement (e.g., non-emergency suspension or suspension more than 10 continuous or cumulative days), or otherwise require a revision to the child's IEP?

If NO, proceed with disciplinary action.

If YES, consider the following factors in making a manifestation determination:

A. Nature of the Disability

1. What is the child's disability (including its behavioral characteristics and specific severity)?
2. What major life functions are impacted? Include a description of how the disability impedes academic and/or social performance.
3. To what extent are those major life areas impacted? Include a description of the child's strengths, deficits, and coping/compensating strategies.
4. To what extent, if any, does the child's disability preclude him or her from having the capacity to know that engaging in the behavior was wrongful (including any acknowledgment and provision in the current IEP)?
5. To what extent, if any does the child's disability impair his or her awareness and understanding of the impact and consequences of such behavior?

B. Review of Disciplinary Records

1. What is the behavioral history of the student (including severity, setting, and frequency)?
2. What is the history of behavioral interventions? Include a description of how long the behavior has been untreated, settings where interventions have been applied, and results of the behavioral techniques employed to date.
3. Did the child exhibit similar behavior in the past that was attributable to the disability? If so, provide the approximate date(s), specific behavior, and resulting intervention and discipline.

C. Role of Impulsivity

1. To what extent, if any, does the disability impair the child's behavioral controls? Include a description of specific characteristics related to the disability and the child's ability to consider long range consequences before action.
2. To what extent, if any, does the child's behavioral repertoire demonstrate a pattern of impulsivity?
3. What are the discrepancies between the student's behavior in the home and the school setting?
4. To what extent, if any, are the current and previous act(s) of misconduct related to impulsivity?

In sum, based on these factors, is there a requisite nexus between the misconduct and the disability?

If NO, discipline the student using procedures applicable to nondisabled students (except that under the IDEA, education services may not cease).

If YES, reevaluate the student's IEP, including the appropriateness of the placement.

STUDENT SCHOOL BUS BEHAVIOR MANAGEMENT POLICY

A. General. The time students spend going to and from school is an extension of their school day. School buses are an extension of the school campus. As such, school principals are equally as responsible for discipline on school buses as they are on school campuses. Principals may take disciplinary action for school bus misconduct consistent with this enclosure. Riding school buses is a privilege that maybe suspended or even revoked if a student does not behave in a safe and proper manner. Nothing in this enclosure precludes the principal from exercising appropriate discipline, including suspending the student from school or from school related activities, for misconduct on school buses.

B. Applicability. This policy applies to all DoD schools overseas. However, the primary responsibility for enforcing school bus safety and disciplinary control remains, in some instances, with the Military Service pursuant to a Memorandum of Understanding (MOU) agreed upon by (and available from) the Area Service Center Transportation Management Office (DoDDS TMO) and the respective major command. Chiefs, Area Service Centers, will amend those MOUs to ensure that Military Command disciplinary policy is consistent with the policy in this enclosure.

C. Discipline of Children with Disabilities. Discipline of Children with Disabilities must be taken consistent with the provisions of enclosure 5, Paragraph F. A child with disabilities may not be removed from the school bus until the case study committee has determined that the child's removal does not constitute a change in placement or otherwise interfere with the child's free appropriate public education. In most instances, a child with disabilities can be removed from the school bus only when alternate means of transportation are available.

D. Responsibilities.

1. Student Responsibilities. Students are responsible for:

- a. Complying with the behavior standards for school bus students (attachment 1).
- b. Obeying the instructions of bus drivers, DoDDS personnel, and military officials.
- c. Conducting themselves in a safe and orderly manner in accordance with the guidelines at attachment 1.
- d. Attending and completing school bus safety training sessions when offered by the school or military installation.
- e. Presenting a school bus pass on demand.

f. Reporting the loss or damage of school bus passes to the local school bus management office or school administrator's office.

g. Providing school personnel with written notification from parents/sponsors/guardians for any variation from their normal departure from school,

2. Parent/Sponsor/Guardian Responsibilities. Parents, sponsors, or guardians are responsible for:

a. The behavior of their student family members, and the cost to repair damage to vehicles caused by the misconduct of their student family member.

b. Ensuring that student family members accorded school bus riding privileges have been advised of, and understand, the school bus behavior management policy.

c. Ensuring that student family members have a valid school bus transportation pass.

d. Ensuring the safety of student family members to, from, and while waiting at the bus stop.

e. Ensuring that student family members are at the designated bus pickup point 5 minutes before the scheduled arrival of the bus.

f. Reporting incidents to the local DoDDS school bus office management officials of unsafe or unruly behavior observed on school buses and at school bus stops.

g. Providing school personnel with timely written notification when a student has a change in his/her normal transportation schedule.

h. Getting their student family members to and from school in accordance with school arrival and departure policies if their bus riding privileges are suspended by DoDDS or appropriate military officials.

i. Serving as a bus monitor when required by the military commander.

j. Acknowledging that student ridership is contingent upon parental agreement to these responsibilities.

3. School Principal Responsibilities. School principals, or designees, are responsible for:

a. Taking appropriate action on student school bus misbehavior, to include collecting, when investigative assistance is otherwise unavailable, the facts necessary to resolve factual matters, deciding and announcing what discipline is appropriate.

b. Supervision of school bus loading and off-loading at school areas.

c. Referring to the local military command for review repeated acts of student misconduct, student criminal acts, student caused damage to the bus or another person's property, and instances when parents/sponsors/guardians are unwilling or unable to take corrective action when their children have been found guilty of school bus misbehavior.

d. Monitoring attendance of students who have been removed from school buses for cause.

e. Conferring with parents/sponsors/guardians of students who have been involved in a serious misconduct incident or repeated incidents of school bus misbehavior.

f. Providing each sponsor with a copy of the school bus behavior standards at the time of registration (attachment 1).

g. Ensuring that children with disabilities are disciplined in accordance with enclosure 5 of this Regulation.

4. DoDEA School Bus Office Responsibilities. DoDEA school bus management office (DoDDS TMO) personnel are responsible for:

a. Issuing school bus passes to students accorded school bus riding privileges.

b. Conducting, or ensuring that bus service providers conduct in-school training on safety and school bus behavior standards.

c. Ensuring that bus service providers have instructions on how to handle and report various incidents and of actions to be taken when student misconduct is observed while en route to or from school, and that the bus contractors have trained their bus drivers and administrative personnel on these procedures.

d. Coordinating with principals and military commanders on serious school bus misbehavior or alleged criminal acts by students.

e. Collecting and returning bus passes as a result of the suspension of school bus riding privileges.

f. Advising the bus service provider of the duration of suspensions and any route changes that may result.

g. Assisting principals or their designees in the supervision of loading and unloading of school buses at schools, when available in conjunction with routine contract quality assurance inspections.

h. Assisting the school, principal in preparing and submitting adequate and proper information, including written reports, required in the delivery of bus transportation services, when DoDDS TMO personnel are present at the scene of an accident or incident requiring the reporting of information.

i. Performing as the primary liaison between school bus contractors, school principals and administrators, and military community officials.

j. Advising military commanders on the desirability of starting, or continuing, a school bus monitor program, including, coordinating with the bus service providers, providing the commander with the names and addresses of eligible student riders and of their parents/sponsors, and the taking of reports of misconduct from appointed or volunteer bus monitors when school bus management staff is approached.

5. District Superintendent Responsibilities.

a. Exercises educational supervision of the administration of student discipline within the district to ensure consistency of punishment and adherence to the student school bus behavior standards.

b. Resolves disputes between parents/children and school principals on the severity or propriety of discipline for a student.

6. Area Service Center Responsibilities.

a. Coordinates with military command when parent ridership of the school bus is necessary to ensure the safety or continuation of school bus services.

b. Supports the educational concerns of Principals, District and Area Superintendents in the administration of student discipline.

c. Negotiates Memoranda of Understanding (MOU) with the Military Services to obtain Military Service support and assistance in the administration of this school bus discipline program, to include the Military Service's traditional provision of investigative support and, when appropriate to ensure the safety or continuation of school bus services.

d. Negotiate changes to MOUs with the Military Services to ensure consistency in discipline for school bus infractions consistent with the provisions of this enclosure and, in cases involving children with disabilities, enclosure 5 of this Regulation.

7. Area Superintendent.

a. Exercises general supervisory authority over the educational aspects of the administration of school bus discipline within the district to ensure consistency in the application of discipline and adherence to the school bus behavior standards.

b. Coordinates with the Area Support Center to resolve educational concerns about the administration of school bus discipline within the area.

S. Military Commander. The military commander will perform those duties agreed upon in the MOUs between the Area Service Center Transportation Management Office (DoDDS TMO) and the respective major commands. Copies of the MOUs are available at the DoDDS TMO office and at the local military installation.

E. Procedures.

The following procedures are provided to assist in implementing the school bus behavior management policy:

1. Parental Involvement

At the time the student is registered for school bus service, the registrar will provide the student and the sponsor with a copy of a Memorandum for Parents and Sponsors of Students Riding DoDDS School Buses (attachment 1) and a copy of Behavior Standards for School Bus Students (attachment 2). The sponsor and the student will sign and return to the school attachment 2, acknowledging in writing that they have been provided a copy of the Behavior Standards for School Bus Students, and that they understand and agree with the contents thereof. The student will agree to abide by the Behavior Standards for School Bus Students. The sponsor will agree to be financially accountable for damage to the school bus caused by the student rider's misconduct and to serve as a bus monitor when required by the military commander. The signed copy of the acknowledgment will be held in the School Bus Office files.

2. School Bus Passes

a. Each student will travel to and from school on the assigned bus.

b. Students will be responsible for safekeeping their assigned student pass. Students are required to present their school bus pass to the driver of the bus as they board the bus. Students who fail to present their passes must provide their name to the bus operator who will report the student to the principal and the transportation management office. Students or their sponsors must report the loss or damage to school bus passes to the local school bus management office before that office will replace a pass. Parents/sponsors may be required to sign for receipt of a replacement pass.

3. School Bus Discipline

a. Trivial infractions of the disciplinary rules--the principal, school bus operator, monitor, or a parent may remind a child of what is acceptable behavior when a child engages in minor acts of indiscretion.

b. Serious or repeated infractions--person(s) observing student misconduct will submit a formal report to the principal using the "School Bus Conduct Referral" form (attachment 3).

c. The principal will review the referral and evaluate the seriousness of the offenses described and prescribe the appropriate remedy.

d. When the principal concludes that the conduct does not warrant suspension of bus privileges, the principal will counsel the student and send a warning memorandum (see attachment 4) to the parents/sponsors of the child informing them of the misconduct and requesting that the behavior standards for school bus students be discussed with the child. The parents/sponsors of the child are required to acknowledge receipt of the principal's memorandum.

e. If the offenses described in the referral suggest to the principal that a suspension of bus privileges is appropriate, the principal will immediately notify the student of his intention to suspend the student from the bus and provide the student with the opportunity for an informal conference.

f. During the informal conference, the principal will describe the information that supports the principal's decision to suspend and afford the student an opportunity to respond by way of explanation of his or her conduct, and by offering other types of evidence to support the student's explanation or to establish that the student has not committed an act of misconduct. The informal conference may be held before, or simultaneously with, the administration of any suspension, but suspension may be executed prior to the informal conference when the student's conduct imperils or threatens to imperil the life, limb of any student or to disrupt the good order of the bus or the general educational environment, and the conference cannot reasonably be conducted prior to the commencement of the suspension. After the principal has made a reasonable inquiry and is in possession of sufficient information to make a determination, the principal shall make and announce to the student his/her findings. The principal shall then inform the student as to the disciplinary sanctions which will be imposed, if any.

g. The principal may consolidate school bus discipline with a disciplinary proceeding for other school disciplinary infraction, pursuant to enclosures 3 and 4 of this Regulation. Or, the principal may elect to proceed under the provisions of enclosures 3 and 4 in lieu of seeking school bus discipline only under this enclosure, particularly if the student's school bus behavior jeopardizes the safety and well-being of others and/or the student commits any prohibited act set forth in enclosure 2, or the student's misconduct unreasonably disrupts the educational environment. If principal seeks to invoke the procedures and consequences of enclosures 3 or 4 of this Regulation, case processing pursuant to those enclosures will preempt further processing pursuant to this enclosure.

h. The procedures in enclosure 5 must be followed if a child eligible for special education is subjected to school bus, or other school discipline.

i. If the school principal decides that suspension from the bus is appropriate, in proceedings under this enclosure or enclosures 3 or 4, he/she will forward a memorandum to the parents/sponsors of the child advising them of the seriousness of the violation and that the school bus riding privileges for the child have been suspended for a specified period of time (attachment 5 to this enclosure). The parents/sponsors of the child are required to acknowledge receipt of the memorandum. The principal shall forward a copy of each suspension notice to the school bus management office, who will notify the contractor of the suspension and retain the offender's school bus pass until returned to the student at the end of the suspension period.

j. The type of discipline appropriate to a child's misconduct depends upon the principal's assessment of the nature and seriousness of the misconduct and the number of infractions. In deciding the appropriate discipline, the principal must take into account a variety of factors that include, but are not limited to: the nature, extent, and seriousness of the injury or possible injury to life and limb to another person or to the perpetrator or the damage to property, the strength of the evidence of the offense, the prior disciplinary record of the perpetrator and of other perpetrators who have been punished for the same or similar misbehavior, the perpetrator's intent to cause injury or damage, the perpetrator's contrition and willingness to make restitution for damage to property; the value of the damage caused to property, the intention or malice of the student to cause the damage to property or the injury to person, the difference in the size or age of the student causing the damage or injury in relation to that of the victim, the repulsiveness of the particular vulgarity or obscenity, the role of the child as an initiator or following of others in the misconduct, the age of the perpetrator and the awareness of the offensiveness of the particular act, the stature of the person against whom the misbehavior is directed and the resultant breakdown of authority over, or the discipline of, other students, and the repetitiveness or cumulative effect of multiple infractions.

k. The school principal shall maintain a listing of School Bus Behavior Infractions and Consequences Record (attachment 6) and provide a copy to the local school bus management office. It lists infractions and provides general guidance on what may be considered "routine," "serious," and "very serious" for purposes of determining the nature and extent of the discipline. These infraction categories are to be used by the principal when reporting student misconduct to parents/students and are to be prominently displayed in the school, the school bus management office, and on the school bus.

PROPOSED MEMORANDUM TO PARENTS AND SPONSORS

MEMORANDUM FOR PARENTS AND SPONSORS OF STUDENTS RIDING
DODDS SCHOOL BUSES

SUBJECT: Standards of Conduct for DoDDS School Buses

This memorandum concerns the safety and well-being of our children as they ride our school buses this school year. Please take the time to read it carefully.

The safe transportation of DoDDS students is our most important concern. DoDDS contracts for bus transportation from responsible firms with mechanically sound vehicles and properly qualified drivers. This is only part of the formula, however. The safe operation of school buses also depends on proper conduct by the students that ride those buses.

Parents share with their students the responsibility for student behavior on our school buses. Attached is a copy of DoDEA's Behavior Standards for School Bus Students. Parents and sponsors must ensure that their children understand the rules for riding the school bus and that they follow those rules. When children disobey the rules, they make the bus unsafe for every other student on that bus. Bus drivers must not be distracted from safe driving by children's misbehavior. Students must show respect for bus drivers and follow their instructions.

School bus transportation is a privilege that maybe suspended or revoked. We do not have the resources to be school bus policemen. We rely on parents and sponsors to teach their children proper behavior. Accordingly, school bus rules will be strictly enforced. Students not complying with school bus rules may have their bus riding privileges suspended or revoked for the rest of the year. **When this happens, parents and sponsors will have to make their own arrangements for the children to get to and from school according to established school hours.**

As a parent, **you must agree**, as a condition for having your children ride the school bus, **that you will reimburse the U.S. Treasury for the cost incurred by the school to repair damage** caused to the school bus by your children's misconduct **and to serve as a bus monitor** when required by the military commander.

All DoDDS personnel take the safety of the children that ride school buses very seriously. We expect parents and sponsors will do the same. Please sit down with your children, carefully go over the attached rules, complete and return the acknowledgment of receipt and understanding to your children's principal. Let us work together to make this school year safe.

Principal's Signature

Attachment:
As stated

**DODEA
BEHAVIOR STANDARDS FOR SCHOOL BUS STUDENTS**

ON AND AROUND SCHOOL BUSES STUDENTS WILL:

1. Comply with the Behavior Standards for School Bus Students.
2. Board and exit the bus in an orderly, safe manner.
3. Present bus pass when boarding the bus and upon demand.
4. Remain seated while on the bus.
5. Talk with other passengers in a normal voice.
6. Keep all parts of the body inside the bus windows.
7. Keep aisles, steps, and empty seats free from obstruction.
8. Remain fully and properly clothed.
9. Treat the driver and fellow students with respect.
10. Promptly comply with the bus driver's or monitor's instructions.
11. Treat the bus and other private property with care.

ON OR AROUND SCHOOL BUSES STUDENTS WILL NOT:

1. Fight, push, shove, or trip other passengers.
2. Use or possess unacceptable items identified in the school Code of Conduct.
3. Push while boarding or exiting the bus,
4. Get on or off the bus while the bus is in motion.
5. Make excessive noise or play electronic equipment without earplugs.
6. Put objects out of bus windows or hang out of windows.
7. Engage in horseplay.
8. Obstruct aisles, steps or seats.
9. Engage in public displays of affection.
10. Eat, drink, or litter on the bus.
11. Use profane or abusive language or make obscene gestures.
12. Spit.
13. Harass or interfere with other students.
14. Disrespect, distract or interfere with bus driver.
15. Damage private property.
16. Sit in the bus driver's seat.
17. Open or try to open bus door.
18. Throw or shoot objects inside or out of bus.
19. Tamper with bus controls or emergency equipment.

I, the DoD sponsor, acknowledge that I have received a copy of the Behavior Standards for School Bus Students. I have explained the school bus behavior standards and the necessity for those standards to my child, and I have explained that I expect these school bus behavior standards to be followed. I understand the consequences for misbehavior which could include suspension or revocation of bus rider privileges. I also understand and agree to reimburse the U.S. Treasury for the costs incurred by the school to repair damage caused by my child's misconduct to the school bus. I agree that I will serve as a school bus monitor or that I will be responsible for finding a person to serve as a monitor on my behalf should I be required to serve by the military commander.

Signature of Parent/Sponsor

Date Signed

I understand the Code of Conduct and will conduct myself accordingly.

Student Signature

Date Signed

**DEPARTMENT OF DEFENSE
DEPENDENTS SCHOOLS
OFFICE OF THE PRINCIPAL
SCHOOL BUS CONDUCT REFERRAL**

STUDENT NAME _____ DATE _____ HOUR _____

BUS NO. _____ TEACHER _____

Please write below what you witnessed or heard yourself. If stated or seen by another student, please include the name, grade, and teacher of the student witness or student making the report. Place the student's statement in quotation marks.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

Print Name _____

Signature _____

Date

**DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS
OFFICE OF THE PRINCIPAL**

Date

MEMORANDUM FOR _____
Name of Parent or Sponsor

SUBJECT: Student Misconduct Warning

1. The school has received notice of unacceptable behavior by _____ on _____
_____. The report indicated:

2. The administrative action taken in response to this incident is a warning. If another incident occurs involving your child, bus riding privileges maybe suspended or revoked. During a period of suspension, you will be responsible for transporting your child to and from school to arrive at _____ and depart at _____. Students may not be left at school outside of these times. Unit commanders or managers will be contacted for noncompliance with this schedule or student absence while school bus suspension is in effect.

3. Please discuss the attached standards of conduct with your child again.

4. Please acknowledge receipt of this memorandum by _____, and return it to school with your child in a sealed envelope addressed to: _____

Principal

Attachment:

As stated

cc:

School Administrators

School Counselor

Transportation Management Office

| | | | |
|-----------------------------------|---------------|----------------------------|---------------|
| _____ Parent/Sponsor Signature | _____ Date | _____ Student Signature | _____ Date |
| _____ Parent Telephone Numbers | | | |
| | Duty | Home | Emergency |

**DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS
OFFICE OF THE PRINCIPAL**

Date _____

MEMORANDUM FOR _____
(Name of Parent or Sponsor)

SUBJECT: Suspension of School Bus Riding Privileges

1. The school has received notice of unacceptable behavior by _____ on
_____. The report indicated:

2. As a result of this incident, _____'s school bus riding privileges are
suspended from _____ to _____. During this period of suspension, you are
responsible for transporting your child to and from school to arrive at _____ and depart at
_____. Students may not be left at school outside of these times. Unit commanders or
managers will be contacted for noncompliance with this schedule or in the event
_____ is absent during this period.

3. Request you discuss the attached standards of conduct with your child(ren) to ensure future
compliance with all rules. **Remember, school bus transportation is a privilege for your
family member(s) and may be suspended or revoked.**

4. Please sign below to acknowledge receipt of this memorandum, and return it to school by
_____ with your child in a sealed envelope addressed to _____

Principal

Attachment
Acknowledgment of Receipt

cc:
School Administrators
Teacher
Transportation Management Office

| | | | |
|-----------------------------------|---------------|----------------------------|---------------|
| _____ Parent/Sponsor Signature | _____ Date | _____ Student Signature | _____ Date |
|-----------------------------------|---------------|----------------------------|---------------|

| | | | |
|-------------------------------------|---------------|---------------|--------------------|
| Parent/Sponsor Telephone numbers | _____ Home | _____ Duty | _____ Emergency |
|-------------------------------------|---------------|---------------|--------------------|

| School Bus Infractions and Recommended Consequences | | BUS RIDING PRIVILEGES SUSPENDED FOR: | | | | |
|--|--|---|---------------|----------------|----------------|----------------------|
| | | WARNING | 5 SCHOOL DAYS | 20 SCHOOL DAYS | 30 SCHOOL DAYS | REMAINDER OF YEAR |
| <i>Number in columns designates the number of incidents.</i> | | | | | | |
| 1 | UNSAFE BEHAVIOR | | | | | |
| a | FIGHTING, PUSHING, SHOVING OR TRIPPING | 1 | 2 | — | 3 | 4 |
| b | USE OR POSSESSION OF UNACCEPTABLE ITEMS IDENTIFIED IN THE SCHOOL CODE OF CONDUCT. (THE SCHOOL BUS IS AN EXTENSION OF THE SCHOOL/CAMPUS.) | 1 | 2 | 3 | — | 4 |
| c | FAILURE TO HAVE BUS PASS IN POSSESSION | 1 | 2 | 3 | — | 4 |
| d | PUSHING WHILE BOARDING OR LEAVING THE BUS | 1 | 2 | 3 | — | 4 |
| e | GETTING ON OR OFF BUS WHILE BUS IS IN MOTION | 1 | 1 | — | 2 | 3 |
| f | NOT PROPERLY SEATED | 1 | 2 | 3 | 4 | 5 |
| g | MAKING EXCESSIVE NOISE OR PLAYING ELECTRONIC EQUIPMENT WITHOUT USING EARPHONES | 1 | 2 | 3 | 4 | 5 |
| h | PUTTING OBJECTS OUT OF BUS WINDOWS OR HANGING OUT OF WINDOW | — | 1 | — | 2 | 3 |
| i | ENGAGING IN HORSEPLAY | 1 | 2 | 3 | 4 | 5 |
| j | OBSTRUCTING AISLES, STEPS, OR SEATS | 1 | 2 | 3 | 4 | 5 |
| 2 | INAPPROPRIATE BEHAVIOR | | | | | |
| a | FAILURE TO REMAIN PROPERLY CLOTHED | 1 | 2 | — | 3 | 4 |
| b | PUBLIC DISPLAYS OF AFFECTION | 1 | 2 | — | — | — |
| c | EATING, DRINKING, OR LITTERING ON BUS | 1 | 2 | — | 3 | 4 |
| d | USING ABUSIVE/PROFANE LANGUAGE AND/OR GESTURES | 1 | 2 | — | 3 | 4 |
| e | SPITTING | — | 1 | 2 | 3 | 4 |
| f | HARASSING OR INTERFERING WITH OTHER STUDENTS | 1 | 2 | — | 3 | 4 |
| g | FAILURE TO COMPLY WITH BUS DRIVER'S OR MONITOR'S INSTRUCTION | 1 | 2 | 3 | 4 | 5 |
| h | DISRESPECT, DISTRACTION, OR INTERFERENCE WITH DRIVER | 1 | 2 | 3 | 4 | 5 |
| 3 | DESTRUCTIVE BEHAVIOR | | | | | |
| a | DAMAGING PRIVATE PROPERTY (REQUIRES PAYMENT OF DAMAGES) | — | 1 | — | 2 | 3 |
| b | SITTING IN DRIVER'S SEAT OR TAMPERING WITH BUS CONTROLS | — | 1 | — | — | 2 |
| c | OPENING OR TRYING TO OPEN BUS DOOR | — | 1 | — | — | 2 |
| d | THROWING OR SHOOTING OBJECTS INSIDE OR OUT OF BUS | — | 2 | 3 | 4 | 5 |
| 4 | PROHIBITED BEHAVIOR | | | | | |
| a | TAMPERING WITH BUS CONTROLS OR EMERGENCY EQUIPMENT | — | — | 1 | — | 2 |

1. All rule infractions are cumulative. A series of minor infractions may result in serious consequences.

2. All misconduct must be evaluated on a case-by-case basis. Depending upon severity, warnings, suspensions, or expulsions may be deemed appropriate regardless of sequence or frequency of misconduct instance.

3. Older students are expected to behave more maturely and thoughtfully than younger students, therefore, will be held more responsible for the consequences of their conduct.

4. Possession of weapons or prohibited items, as described by DS or jurisdictional military regulations, controlled substances, alcohol, or other serious incidents will be reported on Form 4795 and may result in suspension or expulsion from school in addition to the loss of bus privileges.